

#3



EL 820756250 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 004367.00005

The Application of:

McDONALD, Michael A., et al.

Serial No. 09/976,746

Filed: October 12, 2001

For: PARAMAGNETIC POLYMERIZED PROTEIN  
MICROSPHERES AND METHODS OF  
PREPARATION THEREOF

)  
)  
)  
) Examiner: Not yet assigned.  
)  
) Art Unit: 1614  
)  
)  
)  
)  
)  
)

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington DC 20231

**RESPONSE TO NOTICE TO FILE**  
**MISSING PARTS OF NON-PROVISIONAL APPLICATION**

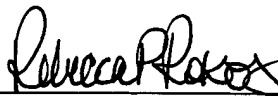
Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application mailed November 16, 2001, the Applicants hereby submit the enclosed Joint Declaration For Patent Application. A copy of the PTO Notice is also enclosed. Additionally, the fee of \$65.00 is to be charged to Deposit Account No. 01-0850.

Also submitted is an Information Disclosure Statement with the cited references.

Respectfully submitted  
BANNER & WITCOFF, LTD.

January 14, 2002

  
\_\_\_\_\_  
Rebecca P. Rokos  
Reg. No. 42,109



01-16-02

*Section #3*  
\$

**CERTIFICATE OF MAILING  
(PATENT)**

Express Mail No. EL820756250US

Deposited: January 14, 2002

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box MISSING PARTS, Washington, D.C. 20231.

By: *Tony Harris*

Patent Application of: McDONALD, Michael, A., et al.

Title: **Paramagnetic Polymerized Protein Microspheres And Method Of Preparation Thereof**

Serial No.: 09/976,746

Filed: October 12, 2001

Attorney Docket No.: 004367.00005

1. Transmittal Form (in duplicate);
2. Fee Transmittal Form (in duplicate);
3. Information Disclosure Statement
4. Information Disclosure Statement Form (PTO/SB/08A) with copies of the cited references;
5. Response to Notice To File Missing Parts of Non-Provisional Application;
6. Copy of PTO "Notice To File Missing Parts of Nonprovisional Application" dated 11/16/2001;
7. Executed Joint Declaration for Patent Application (2 pages) ; and
8. Return Receipt Postcard.

**BANNER & WITCOFF, LTD.**  
10 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606  
Telephone: (312) 715-1000

# **OFFICE OF PATENT AND TRADEMARK** **FEE TRANSMITTAL** **for FY 2002**

JAN 16 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 65

## **Complete if Known**

Application Number 09/976,746  
Filing Date October 12, 2001  
First Named Inventor McDONALD, Michael A., et al.  
Examiner Name Not yet assigned.  
Group / Art Unit 1614  
Attorney Docket No. 004367.00005

## **METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 01-0850

Deposit Account Name Banner & Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$ 0)

### **2. EXTRA CLAIM FEES**

Total Claims  - \*\* =  X  =   
Independent Claims  - \*\* =  X  =   
Multiple Dependent  X  =

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 65)

## **SUBMITTED BY**

## **Complete (if applicable)**

Name (Print/Type) Rebecca P. Rokos Registration No. Attorney/Agent 42,109 Telephone 312-715-1000  
Signature *Rebecca P. Rokos* Date January 14, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#3

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# TRANSMITTAL FORM

to be used for all correspondence after initial filing)

Applicati n Number	09/976,746
Filing Date	October 12, 2001
First Named Inventor	McDONALD, Michael A., et al.
Group Art Unit	1614
Examiner Name	Not Yet Assigned
Attorney Docket Number	004367.00005

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Joint Declaration For Patent Application; Certificate of Mail via U.S. Express Mail and Return Postcard</b>		
<table><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Rebecca P. Rokos, Esq. (Reg. No. 42,109) Banner & Witcoff, Ltd.
Signature	
Date	January 14, 2002

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

#3



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/976,746	10/12/2001	Michael A, McDonald	004367.00005

CONFIRMATION NO. 2198

## FORMALITIES LETTER



\*OC000000007082668\*

22 JAN 14 2002  
PATENT & TRADEMARK OFFICE  
BANNER & WITCOFF, LTD.  
TEN SOUTH WACKER DRIVE  
SUITE 3000  
CHICAGO, IL 60606

Date Mailed: 11/16/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/22/2002 SDIRETA1 00000034 010850 09976746  
01 FC:205 65.00 CH